

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CYNTHIA RICHARDS-DONALD,

Plaintiff,

v.

TIAA BOARD OF OVERSEERS; TEACHERS
INSURANCE AND ANNUITY ASSOCIATION
OF AMERICA; TIAA-CREF INDIVIDUAL AND
INSTITUTIONAL SERVICES, LLC; AND
JARROD FOWLER, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITIES,

Defendants.

Civil Action No. 13 CV 7405 (DAB)

**NOTICE OF MOTION ON BEHALF OF DEFENDANTS
TIAA BOARD OF OVERSEERS AND TIAA-CREF INDIVIDUAL AND
INSTITUTIONAL SERVICES, LLC TO DISMISS FOR FAILURE TO STATE A CLAIM**

PLEASE TAKE NOTICE that upon this Notice of Motion, the Memorandum of Law in Support of Defendants' Motion, the annexed declaration of Eric B. Sigda, Esq., dated November 19, 2013, and upon prior proceedings and pleadings filed herein, Defendants now move this Court before the Honorable Deborah A. Batts, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, for an Order dismissing the Amended Complaint in its entirety as to Defendants TIAA Board of Overseers and TIAA-CREF Individual and Institutional Services, LLC on the basis that Plaintiff has failed to state a claim upon which relief may be granted against either of these defendants as required by Federal Rules of Civil Procedure 8(a) and 12(b)(6).

Dated: New York, New York
November 19, 2013

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: /s/ Eric B. Sigda

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** Application for admission
pro hac vice forthcoming*

Attorneys for Defendants TIAA Board of
Overseers and TIAA-CREF Individual and
Institutional Services, LLC